

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 FREDRICK D. BORDEN,

4 Plaintiff

Case No. 3:19-cv-00378-MMD-CLB

**ORDER**

5 v.

6 WARDEN WILLIAM GITTERE, *et al.*,

7 Defendants  
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections  
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).  
12 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed  
13 *in forma pauperis*.

14 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
15 application to proceed *in forma pauperis* on this Court’s approved form and attach both  
16 an inmate account statement for the past six months and a properly executed financial  
17 certificate. Plaintiff has already filed his inmate account statement and financial certificate  
18 at ECF No. 1-2, however, Plaintiff has not filed an application to proceed *in forma pauperis*  
19 on this Court’s approved form. As such, the Court will retain Plaintiff’s civil rights  
20 complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee  
21 is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in*  
22 *forma pauperis* on this Court’s approved form, or in the alternative, pay the full \$400 filing  
23 fee for this action. If Plaintiff chooses to file an application to proceed *in forma pauperis*,  
24 he must file an application to proceed *in forma pauperis* on this Court’s approved form  
25 within **forty-five days** from the date of this order.

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND  
28 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well


1 as the document entitled information and instructions for filing an *in forma pauperis*  
2 application.

3 IT IS FURTHER ORDERED that within **forty-five (45) days** from the date of this  
4 order, Plaintiff must either: (1) file an application to proceed *in forma pauperis*, on this  
5 Court's approved form; or (2) pay the full \$400 fee for filing a civil action (which includes  
6 the \$350 filing fee and the \$50 administrative fee).

7 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
8 dismissal of this action may result.

9 IT IS FURTHER ORDERED that the Clerk of the Court will retain Plaintiff's  
10 complaint (ECF No. 1-1) but will not file it at this time.

11 DATED: March 23, 2020.

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13 UNITED STATES MAGISTRATE JUDGE  
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